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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,474	03/08/2004	Takashi Nakatsuyama	SONY-50N3172.CON	2327
7590	07/20/2006		EXAMINER [REDACTED]	STORM, DONALD L
WAGNER, MURABITO & HAO LLP Third Floor Two North Market Street San Jose, CA 95113			ART UNIT [REDACTED]	PAPER NUMBER 2626

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/796,474	NAKATSUYAMA, TAKASHI
Examiner	Art Unit	
Donald L. Storm	2626	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### **Status**

- 1) Responsive to communication(s) filed on 12 June 2006.
- 2a) This action is **FINAL**.                                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### **Disposition of Claims**

- 4) Claim(s) 63-84 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 63,64,70-73 and 75-84 is/are rejected.
- 7) Claim(s) 65-69 and 74 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### **Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### **Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### **Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 65-69, 74, and 76-80 would be allowable over the prior art of record if rewritten to include all of the limitations of the base claim and any intervening claims. The whole structure and interaction expressed by the combination of all limitations is not made obvious compared to the prior art of record for the whole invention of those dependent claims, particularly with simultaneously generating a digital signal and text data based on an analog input. Certain assumptions that make the limitations clear have been considered for the claims, as described next or elsewhere in this Office action. The claims should also be rewritten to overcome any objections or rejections under 35 U.S.C. 112. Rejection on grounds of double patenting must be overcome also, especially as appearing in this Office action.

### *Response to Amendment*

2. The substitute specification filed June 12, 2006 has NOT been entered because it does not conform to 37 CFR 1.125(b) and (c) because:

- a. a statement that the substitute specification includes no new matter was not included; and
- b. the substitute specification has been filed containing claims.

Note that MPEP § 608.01(q) also specifies that the paragraphs of any substitute specification, other than the claims, should be individually numbered in Arabic numerals (for example [0001]) so that any amendment to the specification may be made by replacement paragraph in accordance with 37 CFR 1.121(b)(1).

***Priority***

3. If the Applicant desires to claim the benefit of a prior-filed application under 35 U.S.C. 120, a specific reference to the prior-filed application must be included as indicated in the prior Office action mailed April 14, 2006.

***Specification***

4. The disclosure is objected to because the meaning of “compression ratio” (at least, page 10, line 6) is not clear, using the same rationale as in the prior Office action, mailed April 12, 2006.

5. The specification is objected to because the embodiment shown in Fig. 2A of the drawings is not described in the specification, using the same rationale as in the prior Office action, mailed April 12, 2006.

6. The abstract is objected to under 37 C. F. R. § 1.72(b) because it exceeds the general guidelines limit of 150 words, using the same rationale as in the prior Office action, mailed April 12, 2006.

***Claim Informalities***

7. Claims 65-69 and 74 are objected to as being (directly or indirectly) dependent upon a rejected base claim. See MPEP § 608.01(n)V.

8. Claim 79, and by dependency claim 80, are objected to under 37 CFR 1.75(a) because the phrase “further comprising the steps of” (lines 1-2) needs clarification. Only one further step is recited. Is the claim complete?

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Kaji**

10. Claims 63 and 75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji [US Patent 5,526,259].

11. Regarding claim 63, Kaji [at columns 17-20] describes an embodiment of a recording and playback apparatus in which a digital signal and text are simultaneously stored in a buffer. Kaji describes the content and functionality of the recited limitations recognizable as a whole to one versed in the art as the following terminology:

an audio capturing device configured to receive an input [at column 18, lines 4-9, as the character recognition apparatus with voice input function and scanner that reads and stores character images];

an encoder coupled to the device and configured to generate text data based on the input [at column 18, lines 45-56, as the character recognition function that selects character codes corresponding to fetching a stored character image and outputs a probability];

a recognition engine coupled to the device and configured to generate text data based on the input [at column 18, lines 45-56, as the character recognition function that matches feature patterns corresponding to fetching a stored character image and outputs a character code to the text buffer];

wherein the encoder and the recognition engine simultaneously generate the signal and the data [at column 18, lines 53-56, as the probability is output simultaneously with the character codes];

such that the signal and the data can be provided in a synchronized manner [at column 18, lines 53-56, as the probability is output simultaneously with the character codes].

However, Kaji does not explicitly describe that the image input to the computer is analog when scanned. Nor does Kaji explicitly describe that the computer processing is digital and produces the probability as a digital signal. The systems disclosed in Kaji encompass any and every product embodiment of the voice typewriter or word processor, and the various embodiments are drawn to implementation on a computer [see column 17, lines 22-25]. To the extent that Kaji found it unnecessary to describe analog scanner input and digital signal produced by the computer processes, the many teachings of Kaji would have made it obvious to one of ordinary skill in the art of optical character recognition at the time of invention that Kaji's omission of particular details regarding implementation of the flow charts, function diagrams, and algorithm is due to the lack of any need for one of ordinary skill to be reminded of such details as analog input and digital computer signals.

12. Claim 75 sets forth a method with limitations comprising the functionality associated with using the system recited in claim 63. Because Kaji describes and makes the similar limitations as indicated there, this claim is similarly unpatentable. Also, Kaji describes:

the digital signal and the text data can be stored in memory device [at column 18, lines 53-56, as probability and character codes are output to the text buffer].

Kaji and Ichikawa

13. Claims 64, 73, and 84 rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji [US Patent 5,526,259] in view of Ichikawa et al. [US Patent 4,975,957], already of record.

14. Regarding claim 64, Kaji describes and makes obvious the included claim elements by dependency as indicated elsewhere in this Office action. However, Kaji does not give the specifics of how to write to memory. In particular, Kaji does not explicitly describe a switch to synchronize providing the probability signal and the character codes to the buffer.

Ichikawa [at column 2, lines 50-55] also describes a voice typewriter with digital recording and playback, text conversion, and signal encoding. Ichikawa also describes

a first switch coupled between the encoder and the memory sub-system [at column 13, lines 40-47, as the interface unit receives speech transmission code and writes received data into memory and returns to the character mode];

and also coupled between the recognition engine and the memory sub-system [at column 13, lines 40-47, as the interface unit in the character reception mode];

the switch configured to couple one of the encoder and the recognition engine to the memory sub-system and to simultaneously decouple the other one of the encoder and the recognition engine from the memory subsystem [at column 13, lines 40-47, as the interface unit receives speech transmission code and writes received data into memory, returns to the character mode, and writes received data into memory in the character reception mode].

As indicated, Ichikawa shows that a switch to synchronize connecting an encoder and a recognition engine to memory was known to artisans at the time of invention. The system by Kaji requires control of storing to the buffer memories, but merely any storage control from mature technologies. Kaji has not disclosed a preferred approach to those operations according to a design criterion or solution to any stated problem. Since it appears that the use of any storage

control embodiment that is known to artisans would perform to provide Kaji's synchronized storage of the digital probability signal and the character codes, it would have been obvious to one of ordinary skill in the art of memories in voice typewriters at the time of invention to include the concepts described by Ichikawa to provide the details of how to store synchronously to Kaji's buffer memories, because the switch would provide the storage control which Kaji's system could synchronously store into the buffer.

15. Regarding claim 73, Kaji describes and makes obvious the included claim elements by dependency as indicated elsewhere in this Office action. However, Kaji does not give the specifics of the system's speed. In particular, Kaji does not explicitly describe producing the probabilities of matching at a rate of 2 kilobits per second.

Ichikawa [at column 2, lines 50-55] also describes a voice typewriter with digital recording and playback, text conversion, and signal encoding. Ichikawa also describes:

the encoder is operable to achieve a rate of 2 kilobits per second [at column 9, line 59-column 10, as the high efficiency coding system is suitable with the information quantity of 2 Kbps].

As indicated, Ichikawa shows that a rate of 2 kilobits per second was known to artisans at the time of invention. Since Ichikawa points out that this is a high-efficiency rate, it would have been obvious to one of ordinary skill in the art of OCR at the time of invention to include the concepts described by Ichikawa, at least including the high efficiency rate of 2 Kbps for throughput of Kaji's OCR, because a high efficiency throughput reduces delay in providing text data for the user's word processing.

16. Regarding claim 84, Kaji describes the included claim elements by dependency as indicated elsewhere in this Office action. The claim sets forth additional limitations similar to

limitations set forth in claim 73. Kaji and Ichikawa describe and make obvious the additional limitations as indicated there.

Kaji and Böldl

17. Claims 70, 81, and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji [US Patent 5,526,259] in view of Böldl [International Publication WO 97/33220], already of record.

18. Regarding claim 70, Kaji describes and makes obvious the included claim elements by dependency as indicated elsewhere in this Office action.

Kaji does not explicitly describe that either the word processor or the voice typewriter are portable and battery powered.

Böldl [at page 8, line 27-page 9, line 5] also describes playback of recorded speech and automatic transcription to text. Böldl [at page 3, lines 32-33] also describes a tabletop or PC form of the recording and transcription system. Böldl's recording and playback unit of the transcription system includes:

the system is portable [at page 3, lines 27-28, as hand held form]; and

the system is battery-powered [at page 4, lines 8-24, as provide the housing with a battery compartment to enable electrical cooperation].

Since portability and battery power eliminate the need to keep the device in a particular location, it would have been obvious to one of ordinary skill in the art of recording devices at the time of invention to include Böldl's concept of a portable, battery-powered device for Kaji's system because that would allow recording and transcription at any location of the user's choosing.

19. Regarding claim 81, Kaji describes the included claim elements by dependency as indicated elsewhere in this Office action. The claim sets forth additional limitations similar to limitations set forth in claim 70. Kaji and Böldl describe and make obvious the additional limitations as indicated there.

20. Regarding claim 82, Kaji describes and makes obvious the included claim elements by dependency as indicated elsewhere in this Office action. Although Kaji requires memories to meet various storage needs and describes disk storage, Kaji does not describe a variety of suitable memory devices. In particular, Kaji does not explicitly describe a semiconductor flash memory.

Böldl [at page 8, line 27-page 9, line 5] also describes playback of recorded speech and automatic transcription to text with buffering of the input until transcription. For storage, Böldl describes:

the memory comprises semiconductor flash memory [at page 4, lines 20-21, as solid state flash memory].

Because Kaji requires a suitable buffer memory device for storing optical character images for transcription and display, it would have been obvious to one of ordinary skill in the art of recorders at the time of invention to include Böldl's concept of flash memory storage for Kaji because both Kaji and Böldl describe memory storage in recording devices for later retrieval and Böldl points out that flash memory is suitable for this purpose.

**Kaji and Ichikawa and Böldl**

21. Claim 71 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji [US Patent 5,526,259] in view of Ichikawa et al. [US Patent 4,975,957] and Böldl [International Publication WO 97/33220], both already of record.

22. Regarding claim 71, Kaji and Ichikawa describe and make obvious the included claim elements by dependency as indicated elsewhere in this Office action. Although both Kaji and Ichikawa require memories to meet various storage needs, neither Kaji nor Ichikawa explicitly describes suitable memory devices. In particular, they do not explicitly describe a semiconductor flash memory.

Böldl [at page 8, line 27-page 9, line 5] also describes playback of recorded speech and automatic transcription to text with storage of the voice input until transfer to a transcription device. For storage, Böldl describes:

the memory comprises semiconductor flash memory [at page 4, lines 20-21, as solid state flash memory].

Because Kaji and Ichikawa requires a suitable memory device for storing optical character images and voice input for later playback, it would have been obvious to one of ordinary skill in the art of recorders at the time of invention to include Böldl's concept of flash memory storage for Kaji and Ichikawa because each of Kaji, Ichikawa, and Böldl describe memory storage in recording devices for later playback and Böldl points out that flash memory is suitable for this purpose.

**Kaji and Chen**

23. Claims 72 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaji [US Patent 5,526,259] in view of Chen et al. [US Patent 5,438,630].

24. Regarding claim 72, Kaji describes and make obvious the included claim elements by dependency as indicated elsewhere in this Office action. Kaji describes OCR that produces both a probability that features of the input image match reference character templates and character codes of the matching templates.

However, Kaji does not explicitly describe OCR using a HMM.

Chen [at column 2, lines 1-11] also describes optical character recognition input to a typical word processing system that produces text data corresponding to image input, including matching the input to models developed prior to recognition. Chen points out that at the time of invention, it was typical to use HMM models, as follows:

the recognition engine uses HMM techniques to perform recognition [at column 3, lines 55-59, as character HMMs characterize the characters by states described by a probability distribution].

As indicated, Chen shows that use of HMM techniques for OCR was known to artisans at the time of invention. Since Chen [at column 3, lines 55-59] also points out that probability of accurate matching is generated naturally by HMM techniques, it would have been obvious to one of ordinary skill in the art of OCR at the time of invention to include the concepts described by Chen, at least including HMM techniques of OCR for producing Kaji's probability signal and character data, because HMM recognition would naturally provide the probability signal for Kaji.

25. Regarding claim 83, Kaji describes the included claim elements by dependency as indicated elsewhere in this Office action. The claim sets forth additional limitations similar to limitations set forth in claim 72. Kaji and Chen describe and make obvious the additional limitations as indicated there.

#### ***Double Patenting***

26. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is

appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground, AND provided the conflicting application or patent is shown to be commonly owned with this application or claims an invention made as a result of activities undertaken within the scope of a joint research agreement. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

27. Claims 63, 64, 70, 72, 73, and 75-84 are rejected on the ground of nonstatutory, obviousness-type double patenting as being unpatentable over claims 1-30 of U.S. Patent 6,754,619. Although the conflicting claims are not identical, they are not patentably distinct from each other because a person of ordinary skill in the art would conclude that the invention defined in the claims in issue is anticipated by the invention defined in the claims in the patent. The patent claims a species within the genus, and the patent claims thus anticipate the genus application claims. *In re Slayter*, 276 F.2d 408, 411, 125 USPQ 345, 347 (CCPA 1960); *In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989). See MPEP § 806.04(i).

28. Independent claim 63, and dependent claims 64, 70, 72, 73, of this application are anticipated by independent claims 1 and 25, and by dependency claims 2-12 and 26-30 of U.S. Patent 6,754,619 because the claims are set forth including obviously similar phrases.

Although the claims of this application do not explicitly include each limitation of the corresponding claims in U.S. Patent 6,754,619, the additional limitations found in the patented claims do not act to obviate the holding of anticipation, because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

The claim limitations in this application that are directed to an analog audio input are claimed limitations that set forth a genus that includes a voice input as species. Accordingly, the claimed limitations that are directed to voice in U.S. Patent 6,754,619 anticipate analog input.

The claim limitations in this application that are directed to an encoder are claimed limitations that set forth a genus that includes a high compression encoder as species. Accordingly, the claimed limitations that are directed to HCE in U.S. Patent 6,754,619 anticipate encoding.

The claim limitations in this application that are directed to a digital signal are claimed limitations that set forth a genus that includes digital wave data as species. Accordingly, the claimed limitations that are directed to digital wave data in U.S. Patent 6,754,619 anticipate a digital signal.

The claim limitations in this application that are directed to a recognition engine are claimed limitations that set forth a genus that includes voice recognition engine as species. Accordingly, the claimed limitations that are directed to voice recognition in U.S. Patent 6,754,619 anticipate sound recognition.

Additional limitations provided by independent claims 1 and 25 of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or

structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

Similarly, additional limitations provided by the dependent claims of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

29. Independent claim 75, and dependent claims 76-84, of this application are anticipated by independent claim 13, and by dependency claims 14-24 of U.S. Patent 6,754,619 because the claims are set forth including obviously similar phrases.

Although the claims of this application do not explicitly include each limitation of the corresponding claims in U.S. Patent 6,754,619, the additional limitations found in the patented claims do not act to obviate the holding of anticipation, because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

The claim limitations in this application that are directed to a first analog signal are claimed limitations that set forth a genus that includes a voice input as species. Accordingly, the claimed limitations that are directed to voice in U.S. Patent 6,754,619 anticipate analog input.

The claim limitations in this application that are directed to encoding are claimed limitations that set forth a genus that includes high compression encoding as species. Accordingly, the claimed limitations that are directed to HCE in U.S. Patent 6,754,619 anticipate encoding.

The claim limitations in this application that are directed to a digital signal are claimed limitations that set forth a genus that includes digital wave data as species. Accordingly, the

claimed limitations that are directed to digital wave data in U.S. Patent 6,754,619 anticipate a digital signal.

The claim limitations in this application that are directed to recognition are claimed limitations that set forth a genus that includes voice recognition as species. Accordingly, the claimed limitations that are directed to voice recognition in U.S. Patent 6,754,619 anticipate sound recognition.

Additional limitations provided by independent claim 13 of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

Similarly, additional limitations provided by the dependent claims of U.S. Patent 6,754,619, do not act to obviate the holding of anticipation because whether a reference applies a method or structures in the same environment as a claimed method or structure is not applicable to anticipation analysis.

#### *Response to Arguments*

30. The prior Office action, mailed April 14, 2006, requires designation as a continuation-in-part, requires corrected drawings, objects to the drawings, title, abstract, specification, and claims, and rejects claims under 35 USC § 112 and based on the judicially created doctrine of nonstatutory double patenting. The Applicant's arguments and changes in AMENDMENT AND RESPONSE TO OFFICE ACTION, filed June 12, 2006, have been fully considered with the following results.

31. Please note that the specification has not been amended to include "Related U.S. Applications" or the reference to U.S. Patent No. 6,754,619 because entry of the substitute specification was denied.

32. With respect to the requirement to refer to the current application as continuation-in-part, the changes entered by amendment remove the grounds for the requirement. Accordingly, the requirement is withdrawn.
33. With respect to objection to the drawings, the changes entered by amendment are sufficiently described in the drawings currently of record. Accordingly, the objection is removed and the requirement for substitute drawings is withdrawn.
34. With respect to objection to the title, the changes entered by amendment are sufficiently described by the title. Accordingly, the objection is removed.
35. With respect to objection to the disclosure's use of the term, "compression ratio", the substitute specification including the abstract has not been entered. Accordingly, the objection is maintained.
36. With respect to objection to the disclosure's use of the term, "phonetic group definitions", the Applicant's argument appears to be that it is used in the context of text, in the context of switch control. This argument is persuasive. Accordingly, the objection is removed.
37. With respect to objection to the specification as not describing Fig. 2A, the Applicant's arguments appear to be as follows:  
the figure does not indicate that digital wave date is generated before text data.  
This argument is not persuasive because an artisan would recognize that the drawing arrows indicate proceeding from start to end and that the drawing arrows indicate that the

generated digital wave data is supplied to the next step and used to generate text data.

Accordingly, the objection is maintained.

38. With respect to objection to the abstract, the substitute specification including the abstract has not been entered. Accordingly, the objection is maintained.

39. With respect to objection to those claims needing clarification, the objections no longer apply because the claims have been canceled. Please see new grounds of objection.

40. With respect to rejections of claims under 35 USC § 112, the rejections no longer apply because the claims have been canceled.

41. With respect to rejections of claims based on the judicially created doctrine of nonstatutory double patenting, the rejections no longer apply because the claims have been canceled.

The Applicant's assertions with respect to presenting a terminal disclaimer have been considered, but the Office file of this case does not contain a terminal disclaimer.

### ***Conclusion***

42. The following references here made of record are considered pertinent to applicant's disclosure:

Hori [US Patent 5,739,850] provides sound and image recording, where the image and sound are digitized, combined, recorded, and provided to OCR and sound recognition.

43. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

44. Any response to this action should be mailed to:

**Mail Stop AF**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**or faxed to:**

(571) 273-8300, (please mark "EXPEDITED PROCEDURE"; for formal communications and for informal or draft communications, additionally marked "PROPOSED" or "DRAFT")

Patent Correspondence delivered by hand or delivery services, other than the USPS, should be addressed as follows and brought to U.S. Patent and Trademark Office, Customer Service Window, **Mail Stop AF**, Randolph Building, 401 Dulany Street, Alexandria, VA 22314

45. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald L. Storm, of Division 2626, whose telephone number is

(571) 272-7614. The examiner can normally be reached on weekdays between 7:00 AM and 3:30 PM Eastern Time. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: [ebc@uspto.gov](mailto:ebc@uspto.gov). For general information about the PAIR system, see <http://pair-direct.uspto.gov>. If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 18, 2006

*Donald L. Storm*  
Donald L. Storm  
Examiner, Division 2626